

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA, )  
v. )  
Plaintiff, ) ) No. 3:07-CR-81  
ROBERT BENNETT, ) ) (PHILLIPS / SHIRLEY)  
Defendant. )

## **MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter came before the Court on October 9, 2007, on the defendant's Motion to Extend Motions Deadline [Doc. 21] and Motion to Withdraw [Doc. 22]. Assistant United States Attorney Tracy Stone and Assistant United States Attorney Tracee Plowell appeared on behalf of the government. Attorney Richard L. Gaines appeared on behalf of the Defendant, who was also present.

During the hearing, Attorney Gaines informed the Court that there had been a breakdown in communications with his client and that the breakdown of communication would prevent the Defendant from receiving adequate representation in this matter. Attorney Gaines indicated that he felt that, while other attorneys might also experience difficulties in communicating with the Defendant, that a new attorney might avoid the difficulties that had developed between Attorney Gaines and the Defendant. The Defendant agreed that there had been a breakdown of communications and Defendant requested a new attorney. The government offered no objection to

the motion to withdraw. Attorney McGovern was present in Court and had no objection to representing the Defendant. Accordingly, the Court **GRANTED** the motion to withdraw [Doc. 22]. Attorney McGovern was appointed to represent the Defendant in this matter and Attorney Gaines was excused from any further responsibilities in this case.

With respect to the Motion to Extend Motions Deadline, given the appointment of new counsel, the government indicated that it did not oppose an extension of the motions deadline in this matter. Accordingly, the Court **GRANTED** the motion to extend motions deadline [Doc. 21]. The Court set a new motion deadline of October 26, 2007, with responses by the government due on or before November 2, 2007. The pre-trial conference in this case previously scheduled for October 17, 2007, was **CANCELLED** and **RESCHEDULED** for November 6, 2007, at 2:00 p.m. The Court did not continue the trial in this matter, leaving the previously scheduled November 28, 2007, trial date.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge